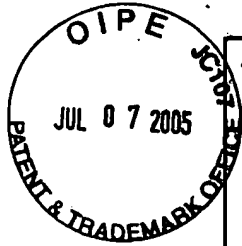


#6



Application No. (if known): 10/516,520

Attorney Docket No.: 04703/0202167-US0

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

MS **EV 447560397 - us**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on July 7, 2005  
Date

*B.W. Lee*

Signature

*B.W. Lee*

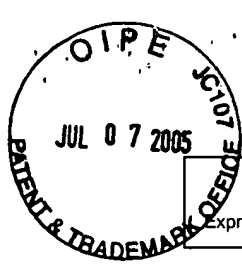
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Missing Requirements (2 pages)  
Copy of Notification of Missing Requirements Under 35 U.S.C. 371  
in the United States Elected/Designated Office (2 pages)  
Copy of Combined Declaration and Power of Attorney (3 pages)  
Copy of Transmittal Letter to the US Designated/Elected Office (2 pages)  
Copy of Certificate of Express Mailing dated December 29, 2004 (1 page)  
Copy of Return receipt postcard  
Return receipt postcard



Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 04703/0202167-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kazuhiko Yamamoto, et al.

Application No.: 10/516,520

Confirmation No.: 6999

Filed: November 29, 2004

Art Unit: N/A

For: SYSTEM FOR PRODUCING ALLOY  
CONTAINING RARE EARTH METAL

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements of Application –Date mailed June 17, 2005, enclosed is a copy of the Second/Subsequent Submission (Form PTO 1390) mailed December 29, 2004. Copies of the Certificate of Express Mailing, Combined Declaration/Power of Attorney and postcard all dated December 29, 2004 are also enclosed. Applicants respectfully request Acceptance of this application as of December 29, 2004.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: July 6, 2005

Respectfully submitted,

By 

S. Peter Ludwig

Registration No.: 25,351

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

## Certificate of Express Mailing Under 37 CFR 1.10

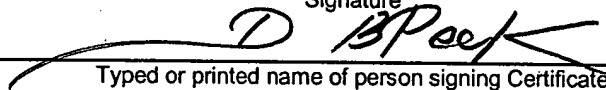
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. 9382053782-0 in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on December 29, 2004  
Date



Signature



Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Combine Declaration and Power of Attorney (3 pages)  
Transmittal Letter to the United States Designated-Elected Office (2 pages)  
Return Postcard  
Check No. 7146 in the Amount of \$65.00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>04703/0202167-US0</b>
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/516,520</b>
INTERNATIONAL APPLICATION NO. <b>PCT/JP03/06740</b>	INTERNATIONAL FILING DATE <b>May 29, 2003</b>	PRIORITY DATE CLAIMED
TITLE OF INVENTION <b>SYSTEM FOR PRODUCING ALLOY CONTAINING RARE EARTH METAL</b>		
APPLICANT(S) FOR DO/EO/US <b>Kazuhiko Yamamoto et al.</b>		

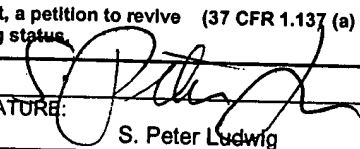
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Return Receipt Postcard  
Certificate of Express Mail

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/516,520</b>		INTERNATIONAL APPLICATION NO. <b>PCT/JP03/06740</b>		ATTORNEY'S DOCKET NUMBER <b>04703/0202167-US0</b>	
<b>21. The following fees are submitted:</b>					
<input type="checkbox"/> a) Basic national fee ..... <b>\$300.00</b>				\$	
<input type="checkbox"/> b) Examination fee ..... <b>\$200.00</b>				\$	
<input type="checkbox"/> c) Search fee ..... <b>\$500.00</b>				\$	
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	130.00
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	65.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
<b>TOTAL FEES ENCLOSED =</b>				\$	65.00
				Amount to be refunded:	\$
				Amount to be charged:	\$65.00
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>65.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-0100</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: S. Peter Ludwig DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7770 CUSTOMER NUMBER: 07278			SIGNATURE:  NAME: <u>S. Peter Ludwig</u> REGISTRATION NUMBER: <u>25,351</u>		

# Japanese Language Declaration

日本語宣言書

## Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

## Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM FOR PRODUCING ALLOY CONTAINING

RARE EARTH METAL

上記発明の明細書（下記の欄で×印がついていない場合は、本書に添付）は、

the specification of which is attached hereto unless the following box is checked:

☐ \_\_月\_\_日に提出され、米国出願番号または特許協力条約国際出願番号を\_\_\_\_とし、（該当する場合）\_\_\_\_に訂正されました。

☒ was filed on May 29, 2003  
as United States Application Number or PCT  
International Application Number  
PCT/JP03/06740

(Confirmation No. \_\_\_\_\_)  
and was amended on \_\_\_\_\_  
(if applicable)

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

# Japanese Language Declaration

## 日本語宣言書

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基き下記の、米国以外の国少なくとも一カ国を指定している特許協力条約365(a)項に基く国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior foreign application(s)  
外国での先行出願

P2002-155121

(Number)

(番号)

Japan

(Country)

(国名)

(Number)

(番号)

(Country)

(国名)

(Number)

(番号)

(Country)

(国名)

私は、第35編米国法典119条(e)項に基いて下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

私は、下記の米国法典第35編120条に基いて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基く権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

私は、私自身の知識に基いて本宣言書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基く表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基き、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、または既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on (s) ☐

DOCPROPERTY

Priority Not Claimed  
優先権主張なし

29 May 2002

(Day/Month/Year Filed)

(出願年月日)

(Day/Month/Year Filed)

(出願年月日)

(Day/Month/Year Filed)

(出願年月日)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application No.)

(出願番号)

(Filing Date)

(出願日)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Status)(patented, pending, abandoned)

(現況：特許許可済、係属中、放棄済)

(Status)(patented, pending, abandoned)

(現況：特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



# Japanese Language Declaration

## 日本語宣言書

委任状： 私は下記の発明者として、本出願に関する一切の手続きを米国特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。(弁理士、または代理人の氏名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Pierre R. Yanney #35,418.

書類送付先

Send Correspondence to:

DARBY & DARBY P.C.

Post Office Box 5257

New York, NY 10150-5257

直通電話連絡先： (名前及び電話番号)

Direct Telephone Calls to: S. Peter Ludwig

212-527-7700

唯一または第一発明者	Full name of sole or first inventor Kazuhiko YAMAMOTO
発明者の署名 日付	Inventor's signature Date <i>Kazuhiko Yamamoto</i> December 13, 2004
住所	Residence Kobe-shi, Japan
国籍	Citizenship Japanese
郵便の宛先	Post Office Address 2-5-2-507, Shoufudai, Tarumi-ku, Kobe-shi, Hyogo 655-0871 JAPAN
第二の共同発明者 (該当する場合)	Full name of second joint inventor, if any Takayuki SHIBAMOTO
同第二発明者の署名 日付	Second inventor's signature Date <i>Takayuki Shibamoto</i> December 13, 2004
住所	Residence Ono-shi, Japan
国籍	Citizenship Japanese
郵便の宛先	Post Office Address 114-2, Kumo-cho, Ono-shi, Hyogo 675-1337 JAPAN



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

R. M. Dhanraj

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,520	Kazuhiko Yamamoto	04703/0202167-US0

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/JP03/06740

I.A. FILING DATE	PRIORITY DATE
05/29/2003	05/29/2002

07278

DARBY &amp; DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

DUE: Aug. 17, 2005  
 Docketed on 6/22/05 by LIG for

Docketed without file ☐

Attorney \_\_\_\_\_

CONFIRMATION NO. 6999

371 FORMALITIES LETTER



\*OC000000016277646\*

Date Mailed: 06/17/2005

11/7/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/29/2004
- English Translation of the IA filed on 11/29/2004
- Copy of the International Search Report filed on 11/29/2004
- Copy of IPE Report filed on 11/29/2004
- Preliminary Amendments filed on 11/29/2004
- Information Disclosure Statements filed on 11/29/2004
- Copy of references cited in ISR filed on 11/29/2004
- U.S. Basic National Fees filed on 11/29/2004
- Priority Documents filed on 11/29/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,520	PCT/JP03/06740	04703/0202167-US0

FORM PCT/DO/EO/905 (371 Formalities Notice)

Atty Docket No.: 04703/0202167-US0

Inventor: Kazuhiko Yamamoto et al.

Appln: 10/516,520 Filed: Nov. 29, 2004

Title: SYSTEM FOR PRODUCING ALLOY CONTAINING  
RARE EARTH METAL

**Documents:**

Combined Declaration and Power of Attorney (3 pages)

Transmittal Letter to the United States

Designated-Elected Office (2 pages)

Certificate of Express Mailing (1 page)


Check No. 7146 in the Amount of \$65.00

Via: Express Mail

Sender Initials: SPL/ekc Date: December 29, 2004

0382053782-US

LDBP

<b>DARBY &amp; DARBY, P.C.</b>		1-8-210	7146
PATENT OFFICE ACCOUNT			
805 THIRD AVENUE			
NEW YORK, NY 10022		DATE <u>12-29-04</u>	
PAY TO THE ORDER OF	<b>COMMISSIONER OF PATENTS &amp; TRADEMARKS</b>		\$ <u>65</u> <sup>00</sup> / <sub>100</sub>
<u>Sixty Five</u>			DOLLARS 
<b>citibank</b>			
CITIBANK, N.A. BR. #852 153 EAST 53RD STREET NEW YORK, NY 10043		The Citigroup Private Bank	
MEMO	<u>516,520 / 0202167 Gabriella V. Kasiozi NP</u>		
+1:021000089: 43348074 7146			